

1 David N. Chandler, Sr. SBN 60780
David N. Chandler, Jr. SBN 235427
2 DAVID N. CHANDLER, p.c.
1747 Fourth Street
3 Santa Rosa, CA 95404
Telephone: (707) 528-4331

4 Attorneys for Debtor

5 UNITED STATES BANKRUPTCY COURT
6
7 NORTHERN DISTRICT OF CALIFORNIA

8 IN RE: CASE No. 09-13483

9 WILFRED WILLIAM KEHR, CHAPTER 7

10 DEBTOR. /

MOTION FOR ORDER COMPELLING
ABANDONMENT OF ESTATE PROPERTY;
DECLARATION WILFRED WILLIAM KEHR
Date: November 5, 2010
Time: 9:00 a.m.
Place: 99 South E St.
Santa Rosa, CA

14 Wilfred William Kehr, debtor herein, hereby moves the Court for
15 an order compelling the Trustee to abandon estate property and
16 represents:

17 1. This case was commenced by voluntary petition under
18 Chapter 7 of the Code on October 22, 2009.

19 2. The Debtor's Discharge was entered January 26, 2010

20 3. Jeffry Locke is the acting Trustee in the case.

21 4. Debtor owns real property located at 3972 Millbrook Dr.,
22 Santa Rosa, California 95404 (hereinafter the "Real Property").
23 The Real Property is property of the estate.

24 5. The Real Property is subject to encumbrances totaling
25 approximately \$671,000.00.

26 6. Debtor is informed and believes, based upon comparable
27 sales in the area, that the value of the Real Property is \$650,000
28 or less.

7. Debtor is attempting to obtain a modification of the loans secured by the Real Property. The Mortgage Creditor initially approved Debtor for a loan modification, however, a loan modification agreement was never delivered. When Debtor inquired, he was told by the Mortgage Creditor that they could not modify his loans because of the pending bankruptcy proceeding.

8. On September 23, 2010, the Mortgage Creditor filed a Motion for Relief From Stay [Docket No. 24] in which it indicated an intent to foreclose its security interest.

9. After notice and a hearing, the Court may order the trustee to abandon any property of the estate that is of inconsequential value and benefit to the estate. 11 U.S.C. § 554.

10. There is no non-exempt equity in the Real Property and therefore it is of inconsequential value and benefit to the estate.

11. Debtor is hopeful that an order compelling abandonment will facilitate the loan modification process.

WHEREFORE, Debtor requests that the Court enter an order compelling the Trustee to abandon the Real Property, and for such other relief as the court deems just and proper.

Respectfully submitted,

Dated: 9/29/10

DAVID N. CHANDLER, p.c.

By: /s/ David N. Chandler, Jr.
DAVID N. CHANDLER, Jr.,
Attorney for Debtor

DECLARATION OF WILFRED WILLIAM KEHR

I, Wilfred William Kehr, declare and say:

1. That if called as a witness, I am competent to testify to the within matters from my own knowledge.

1 2. That I am the debtor in the above-entitled proceeding.

2 3. That I am the owner of the real property located at 3972
3 Millbrook Dr., Santa Rosa, California 95404 (hereinafter the "Real
4 Property").

4. That the Real Property is subject to encumbrances totaling approximately \$671,000.00. The claims secured by the Real Property are listed in Schedule D of the Bankruptcy Schedules.

8 5. That I am informed and believe, based upon sales and
9 comparable properties in the same area, that the current value of
10 the Real Property is \$650,000.00 or less.

11 6. That I am attempting to obtain a modification of the loans
12 secured by the Real Property. The Mortgage Creditor initially
13 approved me for a loan modification, however, a loan modification
14 agreement was never delivered. When I inquired, I was told by the
15 Mortgage Creditor that they could not modify my loans because of the
16 pending bankruptcy proceeding. They are now refusing to even talk
17 to me.

18 7. That on September 23, 2010, the Mortgage Creditor filed a
19 Motion for Relief From Stay [Docket No. 24] in which it indicated an
20 intent to foreclose its security interest.

21 8. That I am hopeful that an order compelling abandonment of
22 the Real Property will facilitate the loan modification process.

23 Executed under penalty of perjury this 29th day of September,
24 2010 at Sonoma County, California.

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26 /s/ Wilfred W. Kehr
WILFRED WILLIAM KEHR

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